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## STATE OF COLORADO

Ray Ramez, Governor  
Patricia A. Nolan, MD, MPH, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

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Colorado Department  
of Public Health  
and Environment

September 16 1994

Mr Steve Slaten  
U S Department of Energy  
Rocky Flats Office Bldg 116  
P O Box 928  
Golden Colorado 80402-0928

RE Final Proposed Action Memorandum Hot Spot Removal Rocky Flats Technology  
Site Operable Unit No 1 September 1994

Dear Mr Slaten

The Colorado Department of Public Health and Environment Hazardous Materials and Waste Management Division (the Division) has reviewed the above referenced document submitted by DOE and prime operating contractor EG&G. The Division finds that the majority of our comments to the draft PAM have been adequately addressed. However DOE has failed to recognize that any remedial action at RFETS including this proposed action must be compliant with both CERCLA and RCRA/CHWA requirements. In this PAM DOE has ignored compliance with RCRA/CHWA requirements and has stated that only compliance with CERCLA is necessary. This is not correct and must be changed.

In addition related to the above concern the Division does not believe that the Applicable or Relevant and Appropriate Requirements (ARARs) identified by the DOE for this action are complete or accurate. We are again concerned by the DOE's apparent disregard of the State of Colorado's authority for implementation of the Resource Conservation and Recovery Act (RCRA) at the RFETS in the identification of ARARs for this action. Specific comments regarding the State's RCRA/CHWA authority and the identification of ARARs for this accelerated response action are listed in the attached comments. These comments must be resolved to the Division's satisfaction including any necessary revision to the Final PAM.

The Division is withholding approval of this PAM until DOE fully and specifically recognizes the Division's authority to require compliance with the Colorado Hazardous Waste Regulations during all phases of the implementation of this PAM. Pursuant to the proposed Accelerated Action language to the IAG a revised PAM must be submitted within seven calendar days of the receipt of this letter.

If you have any questions regarding these matters please call Jeff Swanson of my staff at 692-3416.

Sincerely,

Joe Schieffelin  
Rocky Flats IAG Unit Leader  
Facilities Section  
Hazardous Waste Control Program

ADMIN RECORD

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Page 2

cc: Martin Hestmark EPA  
Scott Grace DOE  
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